REMARKS

Amendments to Specification and Claims

The specification and claims 1, 16, 23, 26, and 30 have been amended. The amendment to each claim is a clarifying amendment. The amendments do not narrow the scope of the claims.

Response to Restriction Requirement

Claims 29 and 30 were withdrawn from consideration by the examiner as directed to a non-elected invention. These claims were said to be distinct and to have acquired a separate status in the art from that of claims 1-28.

It is pointed out, however, that claim 8, which depends from claim 1, calls for the step of capturing a facial image and transmitting the captured facial image to a central processor. Therefore, since claim 8 has been examined, it is respectfully submitted that it would be appropriate to also examine claims 29 and 30. See MPEP §821.03.

Claim Rejections

The claims stand rejected as allegedly obvious over U.S. Patent No. 5,222,152 (Fishbine et al.) and U.S. Patent No. 6,320,974 (Glaze et al.), either alone or in combination with other references.

Applicants' Invention

Applicants' invention, in one configuration, is directed to a method of real-time identification and verification of the identity of a person using a portable handheld device. The method includes enhancing the fingerprint image and after that step, transmitting fingerprint images

that satisfy a predetermined finger quality level to a central processor for processing. The fingerprint image is processed to determine if there is matching fingerprint information in central data storage. Data from the central processor relating to the processed fingerprint image is received at the portable handheld device, and the received data is displayed on a display of the handheld device.

Applicants' invention, in another configuration, is directed to a portable apparatus for identification and verification of a fingerprint. The apparatus includes a housing having an ergonomic handle that provides for one hand operation and command of the functions of the apparatus. The apparatus further includes a processor electrically connected to a sensor located within the housing. The apparatus also includes a transmitter electrically connected to the processor for transmitting fingerprint images to a central processor for identification and verification. A module operates within the processor for the enhancement of the fingerprint image prior to transmittal of the fingerprint image.

The Cited Art

Fishbine et al. is directed to a portable fingerprint scanning apparatus 10 that can optically scan and record fingerprint images. The apparatus 10 includes a fingerprint scanner 12, a video camera 20, a video monitor 26, a transmitter 30 and a terminal 28. Fingerprint images generated by the fingerprint scanner 12 can be displayed on the video monitor 26 and transmitted by the transmitter 30 to a mobile unit (not shown) for further processing. (Col. 3, lines 19-22). Upon receiving a signal from the terminal 28, the mobile unit digitizes and processes the fingerprint image. (Col. 4, lines 42-45). After image processing and compression at the mobile unit, the image can be transmitted wirelessly to a base unit at a central location for identity verification using an

automated fingerprint identification system, such as the FBI's National Crime Information Center Network. (Col. 4, lines 45-51). The monitor 26 may also be used to preview a "mug shot" image generated by the camera 20. (Col. 4, lines 61-64).

Glaze et al. discloses a distributed biometric identification system that includes a number of stand-alone workstations. A workstation receives input biometric data, such as fingerprint and photographic data, and compares that data to biometric data stored in the workstation. A communication link exists between each workstation and a remotely located, central server. The server is the central point for all information and changes to the workstation databases. This allows the information in the workstations to be periodically updated. Periodic updating enables each workstation user to be apprised of the latest information regarding apprehended individuals. (Col 9, lines 1-7).

The systems of Fishbine et al. and Glaze et al. are quite different from Applicants' claimed invention.

Fishbine et al., as called for by claim 1, does not disclose receiving data from a central processor relating to a processed fingerprint image and displaying that data on a display of a portable handheld device. Rather, in Fishbine et al., the fingerprint image information is processed at the central facility for identity verification using an automated fingerprint identification system. After that step, data relating to the processed fingerprint image is not sent back to the portable handheld unit for subsequent display. Instead, the only image that is displayed on the monitor 26 of Fishbine et al. is that of a finger on the scanner 12 or a mug shot.

The individual workstations of Glaze et al. process biodata. The biodata is not transmitted to a central server for processing to determine if there is matching fingerprint information in central data storage. Instead, the central server provides a link from which processed biodata from one

workstation may be shared with another. As a result, the workstations of Glaze et al. are updated with the latest information regarding apprehended individuals. Therefore, Glaze et al. fails to teach or suggest processing transmitted fingerprint images at a central processor to determine if there is matching fingerprint information, and receiving and displaying such processed data on a display of a portable handheld device.

Regarding claim 16, it was said in the Office Action that Fishbine et al. discloses "a module operating within the processor for the enhancement (digitizing and processing) of the fingerprint image prior to transmittal of the fingerprint image." The digitizing and processing of the fingerprint image that is disclosed by Fishbine et al. is not done in the portable identification system 10. Rather, it is done at the mobile unit. As clearly taught by Fishbine et al.:

> Upon receiving the signal from terminal 28 the mobile unit digitizes and processes the fingerprint information in accordance with methods described in U.S. Patent Nos. 4,811,414 and 4,933,976.

(Col. 4, lines 42-45). Thereafter, the image can be transmitted wirelessly from the mobile unit to a base unit at a central facility. (Col. 4, lines 45-48).

Thus, Fishbine et al. is quite different from Applicants' claimed apparatus. In Applicant's apparatus, the processor, its associated module for enhancement of the fingerprint image and the transmitter are all located within the portable apparatus. In contrast, these components of Fishbine et al.'s system are all located within the mobile unit, which is separate and apart from Fishbine et al's identification system 10.

Additionally, since claims 1 and 16 would not have been obvious in view of the cited references, the claims dependent therefrom could not possibly have been rendered obvious by the combination of Fishbine et al. and Glaze et al., either alone or in combination with other references.

Moreover, in certain instances, no art has even been applied against the dependent claims. For example, regarding claim 3, it is admitted that Fishbine does not disclose capturing fingerprint

images in varying illumination conditions. Nevertheless, it is said that it would have been obvious to do this. In other cases, Official Notice has been taken that certain claimed features are well known in the art. Whether a particular feature is well known is not relevant. The inquiry is whether the claimed combination would have been obvious. It is respectfully submitted, as discussed above, that Applicants' claimed method and apparatus would not have been obvious in view of the cited references.

In view of the foregoing, it is submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 267-4106.

Please apply any other charges or credits to deposit account number 50-388 (Order No. IDTXP044).

Dated: 1/11/05

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

William J. Egan, III
Reg. No. 28,411

P.O. Box 70250
Oakland, CA 94612-0250